

Who Can Vote and How

VOTER QUALIFICATIONS

A qualified voter of the state is a person who:

1. Is a citizen of the United States;
2. Is 18 years of age or older;
3. Is a resident of this state and of the precinct at least thirty days next preceding any election; and
4. Is not presently serving a term of actual incarceration as a convicted felon. NDCC §§ 16.1-01-04 and 12.1-33-01

The following rules for voting eligibility also apply.

- Every qualified voter of the state may only have one voting residence.
- A person's voting residence must be determined in accordance with the rules for determining residency as provided in Section 54-01-26 of the North Dakota Century Code (NDCC).
- Pursuant to Section 2 of Article II of the Constitution of North Dakota, voting by persons convicted and sentenced for a felony must be limited according to Chapter 12.1-33.
- No person who has been declared mentally incompetent by order of a court or other authority having jurisdiction, which order has not been rescinded, shall be qualified to vote. NDCC § 16.1-01-04 and Section 2 of Article II of the Constitution of North Dakota

A person's place of residence must be determined according to the rules defined in Section 54-01-26 of the NDCC that states: Every person has in law a residence. In determining the place of residence, the following rules must be observed:

- It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
- There can only be one residence.
- A residence cannot be lost until another is gained.
- A residence can be changed only by the union of act and intent. NDCC § 54-01-26

VOTER DISQUALIFICATIONS

Voting rights are lost if a person has been:

1. Convicted of a felony and sentenced to a term of imprisonment. However, the person's voting rights are lost only during the time of actual incarceration. NDCC § 12.1-33-01(1)
2. Declared mentally incompetent by order of a court. Article II, § 2, Constitution of North Dakota

VOTER DISABILITY

Any voter who requires assistance to vote may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. Moreover, a candidate or a relative of a candidate may not provide assistance to a voter. If the voter requests the assistance of a member of the election board, both election judges are required to assist the voter. NDCC § 16.1-13-27

A person who assists a voter may not discuss issues involving a candidate or a ballot measure. NDCC § 16.1-13-27

Any person chosen to assist a voter who requests the voter to vote for or against any person or issue shall be guilty of a class B misdemeanor. NDCC § 16.1-13-28

VOTING PROCEDURES

When a qualified voter moves from one precinct to another within this state, the voter is entitled to vote in the precinct from which he or she moved until the voter has established a new residence. NDCC § 16.1-01-05

Example: A person may continue voting in his or her former precinct if the person has not yet gained residence in his or her new precinct by residing in the new precinct for thirty days.

A new resident and former resident of this state who have failed to meet voting residence requirements in their new location, but are otherwise eligible to vote, may cast their vote only for presidential candidates. NDCC §§ 16.1-14-18 and 16.1-14-19

Before delivering a ballot to an individual, the poll clerks shall require the individual to show identification, which includes the individual's name, residential address, and date of birth. Acceptable forms of identification are a valid North Dakota: driver's license; non-driver's identification card; tribal government issued identification card; student identification certificate; or long term care identification certificate. NDCC §16.1-05-07(1)

Before delivering any ballot to a qualified voter, official ballots must be initialed by the inspector or judge in the text box provided on the ballot. Moreover, the inspector or judge must inform each voter that if the ballot is not initialed by an election official, it will be invalidated and to protect the voter's right to vote, the voter should make sure the ballot is initialed. NDCC §§ 16.1-06-04(7) and 16.1-13-22

Voters may only vote for candidates of one political party in the primary election. If a voter casts votes in more than one political party section, the votes on the party ballot will be rejected. NDCC §§ 16.1-11-22

If a voter spoils the ballot, a new ballot may be given to the voter after returning the spoiled ballot to an election official. However, an individual is not allowed more than three (3) new ballots. NDCC § 16.1-13-32

Upon receipt of a ballot within the provided secrecy sleeve, the voter, forthwith and without leaving the polling place, shall retire alone to one of the voting booths or compartments to prepare the voter's ballot by darkening the oval opposite the name of each person for whom the voter wishes to vote. In the case of a ballot containing a constitutional amendment, an initiated or referred measure, or any other question to be submitted to a vote of the people, the voter shall darken the oval opposite the word or words expressing the voter's wish. After preparing the ballot, the voter shall place the ballot back in the provided secrecy sleeve so it is concealed and so the endorsement of the inspector or election judge may be seen. The voter then shall deposit the ballot in the optical scanning device and wait to determine if the ballot is deposited into the ballot box or if the optical scanning device has indicated a possibility for a second-chance voting condition. If a second-chance voting condition is indicated, a voter may spoil and receive up to two additional ballots. The voter's third ballot must be cast as is even if errors exist causing certain votes not to be counted. NDCC § 16.1-13-23

Voters may write in names of candidates for office and must also darken the oval for write-in candidates. NDCC § 16.1-15-01

No more than one voter can be in a voting booth at one time except when providing lawful assistance. NDCC § 16.1-13-30

No political badges, buttons, or insignias may be worn within a polling place or within one hundred feet from the entrance to the room containing the polling place while it is open for voting. NDCC § 16.1-10-03

Within the polling place, no one, other than a voter requesting assistance in the marking of his or her ballot, may reveal the name of a candidate that the voter is supporting. NDCC § 16.1-13-27